

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANGELO PETER EFTHIMIATOS,

Defendant.

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Docket No. 2:18-cr-49

DEFENDANT'S OPPOSITION TO GOVERNMENT'S MOTION *IN LIMINE*

Angelo Peter Efthimiatos, by and through counsel, Craig S. Nolan, Esq., hereby opposes the government's Motion *in Limine*. Mr. Efthimiatos incorporates herein by reference the arguments made in his Motion *in Limine* to Exclude Irrelevant and Prejudicial Evidence and his Motion *in Limine* to Exclude Statements Obtained in Violation of *Miranda*. In addition, Mr. Efthimiatos submits:

1. At page five of its Motion, the government asserts that if Mr. Efthimiatos presents evidence or argument suggesting that he did not know he could fly to Massachusetts on April 9-10, 2018, the government is entitled to introduce evidence relating to his supervised release conditions. Such evidence is not probative of the alleged violation of the charged statute, i.e., flying without a valid airman's certificate—not flying or being out of state without permission in violation of supervised release conditions—and therefore must be excluded as irrelevant under Rule 402. The introduction of such evidence is also highly prejudicial and should be excluded under Rule 403.
2. At pages nine through eleven of its Motion, the government asserts that it is entitled to introduce records from the FAA. As the government notes, the parties

are actively conferring with regard to those records, which present multiple evidentiary issues, and therefore an evidentiary ruling on these documents is not possible at this time.

For the foregoing reasons, Mr. Efthimiatos respectfully requests that the Court deny the government's Motion *in Limine*.

Dated at Burlington, Vermont, this 29th day of November, 2018.

ANGELO PETER EFTHIMIATOS

By: /s/ Craig S. Nolan
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CERTIFICATE OF SERVICE

I, Craig S. Nolan, counsel for Angelo Peter Efthimiatos, do hereby certify that on November 29, 2018, I electronically filed with the Clerk of Court the following document:

DEFENDANT'S OPPOSITION TO MOTION *IN LIMINE*

using the CM/ECF system. The CM/ECF system will provide service of such filing via Notice of Electronic Filing (NEF) to the following NEF parties:

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Dated at Burlington, Vermont this 29th day of November, 2018.

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